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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/897,584	06/29/2001	Robert S. DeWitte	426.97.265	3885

23483 7590 12/28/2004

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BOSTON, MA 02109

EXAMINER

ART UNIT	PAPER NUMBER
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DATE MAILED: 12/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Notification of Non-Compliance  
With 37 CFR 1.192(c)**

Application No.

09/897,584

Applicant(s)

DEWITTE ET AL.

Examiner

Cheyne D Ly

Art Unit

1631

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

The Appeal Brief filed on October 07, 2004 is defective for failure to comply with one or more provisions of 37 CFR 1.192(c). See MPEP § 1206.


To avoid dismissal of the appeal, applicant must file IN TRIPLICATE a complete new brief in compliance with 37 CFR 1.192(c) within the longest of any of the following three **TIME PERIODS**: (1) **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer; (2) **TWO MONTHS** from the date of the notice of appeal; or (3) within the period for reply to the action from which this appeal was taken. **EXTENSIONS OF THESE TIME PERIODS MAY BE GRANTED UNDER 37 CFR 1.136.**

1. ☐ The brief does not contain the items required under 37 CFR 1.192(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, pending or cancelled, or does not identify the appealed claims (37 CFR 1.192(c)(3)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 1.192(c)(4)).
4. ☒ The brief does not contain a concise explanation of the claimed invention, referring to the specification by page and line number and to the drawing, if any, by reference characters (37 CFR 1.192(c)(5)).
5. ☐ The brief does not contain a concise statement of the issues presented for review (37 CFR 1.192(c)(6)).
6. ☐ A single ground of rejection has been applied to two or more claims in this application, and
  - (a) ☐ the brief omits the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet presents arguments in support thereof in the argument section of the brief.
  - (b) ☐ the brief includes the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet does not present arguments in support thereof in the argument section of the brief.
7. ☐ The brief does not present an argument under a separate heading for each issue on appeal (37 CFR 1.192(c)(8)).
8. ☒ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 1.192(c)(9)).
9. ☒ Other (including any explanation in support of the above items):

Applicant provides a summary of the claimed subject matter and refers to the specification by denoting "Specification: 16:2-17:10; 20:17-21:12; 24:5-13", which does not clearly point to the specification by page and line number.

In §VI, Applicant's summary for the grounds of rejection to be reviewed on appeals as directed to the Office Action dated 12, 2003, is incorrect due to the inconsistencies with the rejections discussed in said Office Action. For example, step "B." of §VI does not correspond to any rejections in said Office Action. Further, Applicant does not include the 35 U.S.C. §112, First Paragraph, lack of enablement rejection from said Office Action in §VI.

Applicant indicates in §IV that "If there were no further amendments to the claims. However, Applicant confusingly provides a claim set with the instant appeal brief wherein claim 1 has the "(Currently Amended)" status and said claim is marked up. Applicant is advised to provide a clean copy of the claims with their proper status indicator.

  
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12/27/04